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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/766,003	01/29/2004	Andrew J. Moss	118414	2014

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EXAMINER

NORTON, JENNIFER L

ART UNIT PAPER NUMBER

2121

DATE MAILED: 12/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

10/766,003

Applicant(s)

MOSS, ANDREW J.

Examiner

Jennifer L. Norton

Art Unit

2121

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 07 November 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 1-16.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s).  
13. ☐ Other: \_\_\_\_\_.

  
**Anthony Knight**  
Supervisory Patent Examiner  
Group 3600

Continuation of 3. NOTE: Applicant's arguments, see Remarks pgs. 6-8, filed 7 November 2006 with respect to the rejection of claims 1-3, 5, 7-9, 11 and 13-16 under 35 U.S.C 102(b) have been fully considered but are not persuasive.

The Examiner respectfully transverse the Applicant's argument that U.S. Patent No. 3,856,034 (hereinafter Itoh) does not disclose "the claimed disturbance compensator because the described feedback control loop is operable to receive an input value relating to at least on other parameter value of the controlled apparatus, and to receive the error signal, and to produce a compensated error signal based on the input value and the error signal."

Itoh discloses a cascade feedback loop, which is inherent to compensating for disturbances or unwanted inputs of a system. The evidentiary reference Control Systems Engineering by Norman S. Nise (pg. 350) discloses, "Feedback control systems are used to compensate for disturbances or unwanted inputs that enter a system." Fig. 7.11 (pg. 350) represents a "feedback control system showing disturbance." The control feedback loop (Fig. 7.11) is operable to receive an input value ( $D(s)$ ) relating to at least one other parameter value (i.e. disturbances or unwanted inputs) of the controlled apparatus (G.sub.2(s), Plant), and to receive the error signal ( $E(s)$ ), and to produce a compensated error signal based on the input value ( $D(s)$ ) and the error signal ( $E(s)$ ).

Applicant's argument that Itoh does not teach a disturbance compensator that produces "a compensated error signal based on an input value relating to at least one other parameter value" is not agreed with. It may be that the Office Action does not use the word "compensated" and this is regretted. However, a plain reading of the claims, reference, and Office Action reveals that Itoh does disclose a compensated error since all of the transfer functions are linear as shown in col. 3, lines 30-60. If the transfer functions were nonlinear then the mathematical operations could not be performed. As part of any cascade controller, a disturbance would be compensated for as evidenced by the reference of Nise. Applicant's use of the word "another" does not distinguish Itoh from the present invention since "another" parameter value does not have to be different from the original parameter value.

Applicant's arguments, see Remarks pgs. 8-9, filed 7 November 2006 with respect to the rejection of claims 4, 6, 10 and 12 under 35 U.S.C 103(a) have been fully considered but are not persuasive; and stand rejected as set forth in the Final Office Action mailed on 10 August 2006.

Continuation of 11. does NOT place the application in condition for allowance because: The Applicant has not overcome the prior art in the rejections of claims 1-16 as set forth in the Final Office Action mailed on 10 August 2006. Hence, the Applicant's claimed invention is not considered patentably distinct over the prior art.